

FILED<sup>2</sup>

JUL 25 2003

BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MISSOURI

Missouri Public  
Service Commission

Charter Fiberlink-Missouri, LLC )

Complainant, )

vs. )

CenturyTel of Missouri, LLC )

Respondent. )

CASE NO. TC-2004-0046

**RESPONDENT'S REQUEST FOR EARLY  
PREHEARING CONFERENCE**

COMES NOW Respondent CenturyTel of Missouri, LLC ("CenturyTel"), pursuant to Missouri Public Service Commission ("Commission") Rule 4 CSR 240-2.090(4), and for its Request for Early Prehearing Conference states as follows:

1. On July 17, 2003, a complaint was filed by Charter Fiberlink-Missouri, LLC ("Charter"), against CenturyTel. Charter further requested that the Commission consider this matter on an expedited basis.

2. On July 21, 2003, the Commission issued its Order Directing Filing: More Definite Statement ("Order"), wherein the Commission found that Charter's request for expedited treatment was not in conformance with Commission Rule 4 CSR 240-2.080(16), and ordered Charter to file the requisite information with the Commission no later than July 28, 2003. The Commission's Order noted that the omitted information "... is of particular importance in a complaint case in which the Commission has been asked to make an expedited finding that a utility company has violated the terms of its contract." The Commission also stated

that it "will not delay the answer while awaiting Complainant's response." (Order at 2).

3. Also on July 21, 2003, the Commission issued its Notice of Complaint in this matter. While referencing that, pursuant to 4 CSR 240-2.070, "the Respondent shall have 30 days from the date of this notice to file an answer or to file notification that the nature of the complaint has been satisfied," the Commission stated that "Complainant has requested expedited treatment for good cause. The Commission will, therefore, shorten the time within which an answer shall be filed to 14 days."<sup>1</sup>

4. On July 23, 2003, undersigned counsel received a copy of Complainant's Response To Order Directing More Definite Statement.

5. Pursuant to 4 CSR 240-2.070(6) and (8), and in conformance with the Commission's Notice of Complaint, Respondent will prepare and timely file its Motions and Answer and Affirmative Defenses, setting forth all grounds of defense, both of law and of fact. Respondent denies that good cause exists for expedited treatment since the evidence will show that any cause for urgency is of Complainant's own making. Nevertheless, in the spirit of good faith and cooperation, Respondent is prepared to meet and address the issues presented by Complainant as soon as possible at a mutually convenient date and time. Further, Respondent welcomes Complainant's request that the Commission's Staff investigate this matter, and anticipates Staff's active participation in the ensuing discussions.

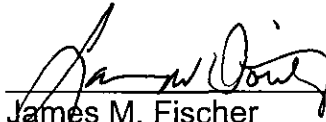
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<sup>1</sup> The next sentence of the Commission's Notice reads: "CenturyTel shall file its answer not later than August 14, 2003." However, this appears to be a typographical error, with the 14-day answer period actually being not later than August 4, 2003.

6. Accordingly, without waiving its rights to file all motions, answers and affirmative defenses pursuant to Commission Rules, Respondent CenturyTel respectfully petitions the Commission, pursuant to 4 CSR 240-2.090(4), to hold an early prehearing conference as soon as possible. During the week of July 28, 2003, representatives of CenturyTel would be available the afternoons of Wednesday, July 30, and Thursday, July 31, 2003. CenturyTel further requests that the Commission order the parties and Commission Staff to attend and consider procedural and substantive matters which may aid in the disposition of the issues presented in the instant complaint. (4 CSR 240-2.090(6)).

WHEREFORE, Respondent CenturyTel of Missouri, LLC respectfully requests that the Commission order an early prehearing conference in this matter, as set forth herein.

Respectfully submitted,



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## CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the foregoing document has been hand-delivered, transmitted by e-mail or mailed, First Class, postage prepaid, this 25th day of July, 2003, to:

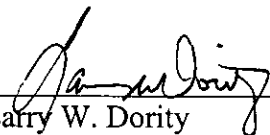
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